

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
May 5, 2008

The Yadkin County Board of Commissioners met in Regular Session on Monday, May 5, 2008 at 9:00am in the Yadkin County Human Services Building (Commissioner's Meeting Room), 217 E. Willow Street, Yadkinville, North Carolina.

Present Were:

Chair Kim Clark Phillips
Vice Chair Joel Cornelius
Commissioner Tommy Garner
Commissioner Chad Wagoner
Commissioner Brady Wooten

Staff Present: County Manager, Eric Williams; County Attorney, Jim Graham and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chair Phillips at 9:00am. Chair Phillips wished everyone a happy Cinco de Mayo.

INVOCATION by Attorney Jim Graham.

PLEDGE OF ALLEGIANCE led by Chair Phillips.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Williams requested the following adjustment:
Proposed Resolution between various Townships concerning an emergency water interconnect to be discussed under Manager's Reports.

Chair Phillips requested the following adjustment:
Move agenda item XI. A. as the next item of business to accommodate Mr. Jim Swartz.

Vice Chair Cornelius made a motion to accept agenda with noted adjustments. Commissioner Wooten second.

Vote: 5/0

REPORTS/REQUESTS TO THE BOARD

Mr. Jim Swartz, a disabled Vietnam-era Veteran appeared before the Board to discuss the application for Bronze Star for Lance Corporal Daniel F. Swaim. Mr. Swartz thanked the Board for allowing him to appear and remarked how important this issue is for the Swaim family, Yadkin County, and all veterans.

Mr. Swartz stated that he had known Lance Corporal Swaim since he was 12 years old and had been impressed early on with Lance Corporal Swaim's character. Lance Corporal Swaim was a perfectionist, followed the rules, and was the picture of humility. He had dreamed of being a Marine from a very young age. Lance Corporal Swaim was raised by his parents, Mike and Becky Swaim who set the bar high for their son. He was an honor student at Forbush High School and a stellar marine. Lance Corporal Swaim had won a national marksman badge early in his training and was offered the Presidential Honor Guard as well as special schooling. He turned down all offers in order to participate in the infantry. Lance Corporal Swaim was deployed to Iraq in Operation Steel Curtain with the objective of clearing out explosive devices. The unit was badly outnumbered from the beginning. The unit had bedded down for the night in an abandoned apartment building only to be forced to evacuate in the middle of the night. The unit was forced to exit down a dark alley laden with explosives. Although some of the explosives had been disabled, Lance Corporal Swaim was not so fortunate. According to the autopsy, the blast likely rendered him unconscious and death was quick and painless.

Mr. Swartz read a letter from Sergeant Sean Selman of the United States Marine Corp offering praise for Lance Corporal Swaim's character, leadership, and abilities.

Mr. Swartz remarked that Lance Corporal Swaim was a true American hero who paid the ultimate price for freedom. Ironically, Lance Corporal Swaim's date of death is the birth date of the Marine Corps. Mr. Swartz continues to seek the award of a Bronze Star for Lance Corporal Swaim and has accepted this task as his personal mission. Mr. Swartz does not want to see Lance Corporal Swaim become another statistic of the war. Mr. Swartz has researched the parameters and believes that Lance Corporal Swaim meets the criteria for meritorious and valor. Mr. Swartz has contacted the office of Congresswoman Virginia Foxx but did not feel that adequate attention was given to this matter. Mr. Swartz asked the Board to adopt a Resolution

requesting and supporting the award of the Bronze Star to Lance Corporal Daniel F. Swaim and provided a draft Resolution.

Commissioner Wooten made a motion to adopt a Resolution in support of the Bronze Star for Lance Corporal Daniel F. Swaim. Commissioner Garner second.

Vote: 5/0

Vice Chair Cornelius made a motion to direct Manager Williams to pen a letter to Congresswoman Foxx asking for her attention on the matter of a Bronze Star for Lance Corporal Daniel F. Swaim. Commissioner Wooten second.

Vote: 5/0

Commissioner Wooten made a motion to direct Manager Williams to pen a letter to Governor Easley asking for the attention of the Governor's Office on the matter of a Bronze Star for Lance Corporal Daniel F. Swaim. Vice Chair Cornelius second.

Vote: 5/0

PUBLIC COMMENTS

There were no speakers for Public Comment during today's meeting.

APPROVAL OF MINUTES

Commissioner Wagoner requested the following adjustment to the April 21, 2008 Regular Session Minutes:

- (1) Page 25 – 3rd paragraph: should read "Commissioner Wooten directed his questions..."

Commissioner Wagoner requested the following adjustment to the April 7, 2008 Closed Session Minutes:

- (1) Page 15 – bottom paragraph: should read "... (based on what he knew of this situation) he felt"

Chair Phillips requested the following adjustments to the April 7, 2008 Regular Session Minutes:

- (1) Page 10 – 2nd paragraph: should read “Eddie Weatherman”
- (2) Page 14 – 1st paragraph: should read “Through the efforts of Veterans’ Service Officer Knight, Yadkin County veterans had been awarded benefits of \$8,876,000 in the year 2007.”

Chair Phillips requested the following adjustments to the April 21, 2008 Regular Session Minutes:

- (1) Page 20 – (C) 2: should read 2.265%
- (2) Page 20 – (C) 5: should read that Arcadis will again review crossing under the creek with an additional expense.

Attorney Graham requested the following adjustment to the April 7, 2008 Regular Session Minutes:

- (1) Page 6 – 1st paragraph: should read “...headed by Major Widener”.

Commissioner Wagoner made a motion to approve the Regular Session Minutes of April 7, 2008; Closed Session Minutes of April 7, 2008; and the Regular Session Minutes of April 21, 2008 with noted adjustments. Vice Chair Cornelius second.

Vote: 5/0

REVIEW OF CLOSED SESSION MINUTES

The Board reviewed the following Closed Session Minutes:

April 17, 2000	August 7, 2000
February 28, 2001	May 21, 2001
August 6, 2001	

Commissioner Wooten asked County Attorney Graham if he had reviewed these Minutes and authorized their release. Attorney Graham answered yes.

Vice Chair Cornelius made a motion to release the noted Closed Session Minutes. Commissioner Wooten second.

Vote: 5/0

Commissioner Wagoner made a motion to release the Closed Session Minutes of April 7, 2008. Commissioner Garner second.

Vote: 5/0

PUBLIC HEARING

There were no matters for Public Hearing at today's meeting and no action to set a Public Hearing.

BOARD APPOINTMENTS

There were no Board appointments for today's meeting.

BOARD REPORTS/REQUESTS

Assistant Superintendent, Gary McDonald appeared before the Board in the absence of Dr. Jim Benfield. Mr. McDonald apologized on behalf of Dr. Benfield explaining that Dr. Benfield had been called out of town on a family matter. Mr. McDonald offered the following regarding Yadkin County Schools:

- (1) Site preparation at Starmount Middle School is progressing nicely and is on schedule.
- (2) There have been some issues at the Forbush Middle School site concerning the spring on the property. Plans for storm water run-off had to be re-drawn and submitted. School officials do not anticipate that the timeframes will be affected by this minor delay.
- (3) Dr. Benfield requests that the Board give serious consideration to the presented 2008/2009 Yadkin County School Budget.
- (4) Yadkin County Schools will be losing 5 teaching positions in Special Education. The State has determined that Yadkin County had received over their allotment and is attempting to compensate for the overage. Yadkin County Schools hopes to continue to fund these 5 positions through "low wealth funds".

Special Note: Commissioner Wagoner was absent from the room from 9:35am until 9:41am.

Bobby Todd, Economic Development Director, was present to provide his regular monthly report on economic development related activities. In summary, he indicated the following:

- (1) Overall activity is strong.
- (2) The current unemployment rate is 4.5%. This is great for the economy, but not so great for recruitment. Large companies are looking for a large workforce.
- (3) The current session of the Yadkin County Leadership class will end this week.
- (4) The Tourism Development initiative created a few phone calls in the beginning, but the process seems to be moving smoothly. The EDC should be able to determine exact revenues shortly.
- (5) A group of students at UNC-G have completed a mock marketing plan for Yadkin County. Mr. Todd has been assured that a copy will be made available to him once the grading has been completed. Mr. Todd commented that these students seem to understand the dynamics of Yadkin County and believes the plan will be very interesting to read.
- (6) Dobbins Creek Winery opened their tasting room this weekend and has one of the better scenic views of wineries in the county.
- (7) Andy Anderson has been appointed by the EDC to review the recently returned 501-3-C documents.

Vice Chair Cornelius noted that Commissioner Wagoner, Andy Anderson, and Jimmy Flythe had recently been appointed to a special Advisory Board of the EDC.

Attorney Graham inquired about the date change for the Yadkin Valley Stomp. Chair Phillips asked Mr. Todd to elaborate on this event. Mr. Todd explained that the Yadkin Valley Stomp to be held June 21-22 is an ATV racing event that brings over 8,000 visitors to Yadkin County. The winner of the event can potentially win up to \$1 million. This event is great for the local economy with restaurants, hotels, and other local business. The association has asked for the yearly winery tour to take place on Friday afternoon rather than Saturday. Plans are to accommodate that request.

Mayor Stewart Maples of East Bend, appeared before the Board. Mayor Maples reported that East Bend is seeking to place a 6" sewer line from Main Street following Neal Road to the bypass, primarily to accommodate the Pickett and Huff Store. A potential investor would like to restore the store building with 3 apartments on the upper level and 3 retail shops on the lower level. The estimated cost of this line is \$75,000. Mayor Maples is asking the County to provide \$25,000 of that amount. Some discussion followed. Commissioner Wagoner questioned if East Bend's current system could handle the additional capacity. Mayor Maples stated that officials have indicated that East Bend is only using 4000 gallons of a 10,000 gallon capacity. There were concerns of a written contract or agreement with a contractor to provide the services. Commissioner Cornelius offered that East Bend engineers should develop hard numbers on the impact of this line on the Town's capacity and how it may effect future growth in the industrial park. Mayor Maples agreed to seek this additional information as well as a binding contract and return to the Board when available.

Major Danny Widener of the Sheriff's Office appeared before the Board to discuss items for surplus. Major Widener reported that the vehicles would be sold on GovDeals and revenues would be returned to the General Fund.

Commissioner Wagoner made a motion to sale the surplus vehicles of the Sheriff's Office per North Carolina G.S. 160-A.265, 160-A.266, 160-A.267, and 160-A.270E. Vice Chair Cornelius second.
Vote: 5/0

Major Widener reported that Tasha, a K-9 animal, must be retired due to her age and medical concern with her rear leg. Major Widener reported that typically the animal is offered to the handler for \$1.00. The handler will sign a release form dismissing the county of any potential liability.

Vice Chair Cornelius made a motion to sell K-9 animal, Tasha, to the K-9 handler for \$1.00 with a signed release form releasing the County of any future liability. Commissioner Garner second.
Vote: 5/0

Major Widener reported that Tasha would be replaced with another Belgian Malinois with funds from drug forfeiture.

Major Widener drew attention to the Budget Amendment replacing funds in the General Fund regarding the lawsuit settlement.

Commissioner Wooten made a motion to approve the budget amendment. Vice Chair Cornelius second.

Vote: 5/0

[Budget Amendment attached as Addendum A]

While available, County Manager Williams asked Major Widener to review the proposed courthouse improvements. Major Widener explained that there is an aluminum partition in the courthouse with 3 doors that serves no purpose and causes confusion for courthouse visitors. Major Widener offered that Sheriff's Department staff would be willing to remove the partition on their own time in exchange for the materials they remove. Commissioner Garner asked if there were structural concerns in removing this partition. Major Widener stated that there were no structural concerns. Commissioner Wooten asked about the finishing work once the partition is removed. Major Widener stated that 2 of the support walls are brick and should require no additional attention. The matter of the floor will be addressed with other minor renovations.

Commissioner Wooten made a motion to approve the removal of the aluminum partition in the Courthouse by Sheriff's Office personnel.

Vice Chair Cornelius second.

Vote: 5/0

Chair Phillips called for a recess at 9:58am. Meeting reconvened at 10:13am.

Special Note: Attorney Graham was absent from the room from 10:13am until 10:27am.

BOARD ACTION

Promissory Note regarding State Revolving Loan – The LGC is holding a preliminary note with interest rate of 2.265% for a repayment amount of \$2,992,265 on the Jonesville to West Yadkin waterline. Dollars paid from county funds will be reimbursed prior to the beginning of payments. Chair Phillips was concerned about the \$2.9+ million figure. At her estimate, with change orders, the loan amount should have been around \$2.4 million. Chair Phillips asked for clarifications on the numbers prior to approval. Chair Phillips also noted that substantial interest can be saved by making the payments

monthly as opposed to annually. Manager Williams agreed to research this as well. No action taken on the promissory note at this time.

Interlocal Agreement between Yadkin County and the Town of Yadkinville – The Town of Yadkinville must give evidence of inspections of flood plains. An interlocal agreement has been created to insure these inspections by the County Planning Office at no cost to the Town. Planning and Development Director, Kim Bates reported that this would result in no significant increase in workload for his department. Vice Chair Cornelius asked what the inspections would involve. Director Bates explained that maps and site plans would be inspected to insure structures are not built within a flood plain or flood way. There are no similar agreements at this time with other townships. Attorney Graham remarked that he had reviewed this agreement and all was in order.

**[INTERLOCAL AGREEMENT BETWEEN YADKIN COUNTY AND THE TOWN OF YADKINVILLE
is attached as Addendum B]**

**Commissioner Wooten made a motion to approve the Interlocal Agreement between Yadkin County and the Town of Yadkinville for Flood Plain Inspections with the correction of a typing error on page 42, #2. Commissioner Garner second.
Vote: 5/0**

Memorandum of Agreement: Actuarial Studies for Separation Allowance – County Manager Williams reported that the memorandum allows for an actuarial study of a separation allowance for law enforcement officers. Past expense has been between \$200-\$300.00 for the study.

**Commissioner Wooten made a motion to approve the Memorandum of Agreement: Actuarial Studies for Separation Allowance. Vice Chair Cornelius second.
Vote: 5/0**

**[MEMORANDUM OF AGREEMENT: ACTUARIAL STUDIES FOR SEPARATION ALLOWANCE
is attached as Addendum C]**

Inspection Fees for Tattoo Establishments – The Board reviewed data provided in the agenda packet. There was no additional discussion.

Vice Chair Cornelius made a motion to reduce the Health Inspection of Tattoo Establishments to the recommended \$200.00.

Commissioner Wooten second.

Vote: 5/0

Budget Amendments – There was no additional discussion.

Commissioner Wooten made a motion to approve the following budget amendments:

Health Department – Family Planning

Dental Clinic

Environmental Health Program

Environmental Health Specialist

WIC

State Well Grant Funds

Equipment

Preparedness

Veterans' Services

Sale of Asset (remove phrase "with house")

Settlement for Sheriff's Office

Commissioner Wagoner second.

Vote: 5/0

[Budget Amendments are attached as Addendum D]

MANAGER REPORTS/COMMENTS

The County Manager provided the following:

- (1) Letters and Tap Incentives along Hwy 21 – Attorney Graham has reviewed the letter and has no concerns. Manager Williams reported that businesses that may have already paid the tap fee have not yet been identified for refund.
- (2) Water Quality Test for Highway 601 Waterline – According to a July 2007 water quality test, the Highway 601 Waterline exceeds the allowable limit on Trihalomethanes. This requires notification to all households along the line as well as public notice with local media. A sample notice was provided. Board members had concerns that the

test results are from 9 months ago and may not reflect current levels. There is some additional information that Chair Phillips would like to see added to the letters, including a list of elements that are tested. County Manager Williams will seek additional information prior to public notice.

- (3) Secondary Road Improvements for Else Road – Improvements for Else Road have been halted for the inability to secure necessary right-of-ways from property owners. The County or the DOT can pursue condemnation, but only at the request of a certain percentage of residents. No further action to be taken at this time.
- (4) Water Interconnects with Townships and Neighboring Counties – The current drought situation has resulted in the State encouraging emergency water interconnects between counties and townships. The Town of Yadkinville is considered a Tier 1 based on the access to water and storage capacity. There has been little success in discussions with Davie County. The Town of Yadkinville will consider a Resolution at their meeting tonight and the Towns of Jonesville and Elkin will consider a similar Resolution on May 12. Chair Phillips added that Arcadis Engineer, Randy Darden, recommends an emergency interconnect between Jonesville and Elkin.

CALENDAR NOTES

Calendar Notes were reviewed. There was no additional discussion.

COMMISSIONER COMMENTS

Vice Chair Cornelius had the following comments:

- (1) A reception was recently held at the Palliative Care Unit at Hoots Hospital in memorial to Steve Crews. Vice Chair Cornelius remarked on the importance of a hospital to Yadkin County. Further, Vice Chair Cornelius stated that hospitals and schools are of the utmost importance in building infrastructure and growing the community. Hoots Hospital is currently serving 19 patients and has been in the double digits in all of 2008.
- (2) Vice Chair Cornelius encouraged all to vote on May 6, exercising their Constitutional Right. He asked that voters be open-minded and not influenced by ads placed by persons not residing in the County.

Commissioner Garner had the following comments:

- (1) Commissioner Garner apologized for missing the Prayer Breakfast. Vice Chair Cornelius added that it was a well attended event and that Dr. Keith Phillips had done a great job.

Commissioner Wooten had the following comments:

- (1) Commissioner Wooten encouraged the Board to consider additional monies for landscaping expenses in the budget for 2008/2009. Jonathan Casstevens with JCPC has young people for community service that can provide the labor for such projects. Materials would be the only cost. Landscaping projects would benefit the community and provide an opportunity for these young people to learn responsibility.
- (2) Commissioner Wooten encouraged all to vote on May 6. Commissioner Wooten commented that the system works better when more people participate.

Commissioner Wagoner had the following comments:

- (1) Commissioner Wagoner hopes that people will get out and vote on May 6. Commissioner Wagoner offered kudos to Kevin Austin, Republican Candidate for Commissioner, for his faithful attendance at Board meetings. Commissioner Wagoner stated that he was saddened that more candidates did not attend meetings to learn more about the office they were pursuing and would potentially serve.
- (2) As promised, Commissioner Wagoner reviewed the Jail cost comparisons provided previously by Commissioner Wooten. Commissioner Wagoner admitted to having an analytical mind that thinks in terms of concrete facts and numbers. Commissioner Wagoner felt it difficult to argue with numbers presented by Commissioner Wooten stating that they are fabricated numbers. There have been no costs identified with the purchase of any downtown property. The value of sale of the Hoots Road property is certainly unknown. Commissioner Wagoner offered that he cannot argue with numbers that are not based in fact. Commissioner Wagoner added that if the figures presented by Commissioner Wooten can stand on their own, then they will.

- (3) Commissioner Wagoner remarked that the jail issue has become so convoluted with other issues. Commissioner Wooten's own press release brought up issues about prayer at meetings that was irrelevant to the jail issue. Commissioner Wagoner remarked that he was quoted earlier as saying that Commissioner Wooten practices deception through minimal information and it can also be said that he practices deception through irrelevant information.
- (4) Commissioner Wagoner acknowledged that Commissioner Wooten's press release may not be verbatim, but commented on a passage that stated that the reason he [Commissioner Wooten] has been fighting is because he does not want the BOC to do everything in secret and keep people in the dark. Commissioner Wagoner remarked that he thought Commissioner Wooten had been fighting because he truly wanted the jail downtown.
- (5) Commissioner Wagoner drew attention to a passage from Commissioner Wooten's press release quoting "I am not about to let Chair Phillips and an un-elected County Manager make decisions about the jail." Commissioner Wagoner stated that he wasn't going to allow that to happen either and neither would Commissioner Garner or Vice Chair Cornelius. Commissioner Wagoner concluded his comments stating that there are 4 other elected officials sitting alongside Commissioner Wooten who have an equal obligation to the voters. Commissioner Wagoner gave Commissioner Wooten credit for using this issue as a campaign strategy and appearing as a martyr to the citizens.

Commissioner Wooten commented that his objection is that he should not be excluded from any strategy discussions regarding the jail lawsuit as he is just as much a party to the suit as the other Board members. Commissioner Wooten further remarked that his concern is that follow-up information from the Attorney will not be shared equally.

Chair Phillips had the following comments:

- (1) Chair Phillips remarked that all of the current Board members had an equal responsibility to the voters.
- (2) Chair Phillips noted a recent conversation with Debora Wiley, a Yadkin County citizen regarding PART. PART is in the process of purchasing property for a park and ride lot in Yadkin County.

- (3) Chair Phillips reported that camping along the Yadkin River adjoining Pilot Mountain State Park has been halted. There have been issues with safety and sanitation. Monty Hamby has written a letter and is pursuing some alternative to these actions. Commissioner Wagoner added that there was a rescue operation from the Yadkin Islands only a year or so ago.
- (4) Chair Phillips had received a letter from the Health Crisis and Safety Team of the Yadkin Success Academy. School Resource Officer, Nicky Boles had made a recent presentation to this team regarding the rise of gang and gang activity in Yadkin County. Chair Phillips would like County Manager Williams to work with the school system to arrange a community-wide presentation by Mr. Boles to increase awareness of gang activity.
- (5) The Board has received various samples of evaluation forms for evaluating the Clerk and the County Manager. Chair Phillips would like feedback from the Board prior to the next meeting so that a complete evaluation form can be established. Chair Phillips prefers an evaluation that allows feedback from the employee and prefers to reference this task as growth conferences rather than evaluations. Clerk Brown has provided a job description that is available to the Board. Chair Phillips would like to see the process applied county-wide. Vice Chair Cornelius added that Phyllis Adams, the Tax Administrator, and Jim Graham, the County Attorney also serve at the pleasure of the Board. As Attorney Graham does not receive a County salary, he would not be a candidate for evaluation, but Mrs. Adams should be included in the process. Commissioner Wooten suggested that the same evaluation criteria be used for all.
- (6) Chair Phillips encouraged all to exercise their right to vote on May 6.

Vice Chair Cornelius made a motion to adjourn. Commissioner Wooten second.

Vote: 5/0

Meeting adjourned at 11:15am.

Prepared and Approved by
Clerk, Gina Brown